

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

VINCENT JAMES,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 3:00-CV-0168 RM
)	
OFFICER MADRY, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

Plaintiff Vincent James obtained a default judgment against defendant A. Madry for \$1,000 and a default judgment against Tonya Johnson for \$500. Mr. James has attempted to locate these defendants in order to collect the judgments against them. He has advised the court that he believes that Mr. Madry is employed at the Indiana Sugar Company in Gary, Indiana. This matter is before the court on the plaintiff's motion to compel payment from defendants Johnson and Madry and on his motion for garnishment against Mr. Madry.

The court **DENIES** the plaintiff's motion compel payment (docket #143) because it does not appear that the defaulted defendants are aware of the judgment against them and have not had the opportunity to voluntarily pay the judgments.

The court **DENIES** the plaintiff's motion for garnishment (docket #144) as premature because defendant Madry has not had an opportunity to voluntarily pay the filing fee. In order to afford defendant Madry an opportunity to pay the judgment against him without garnishment, the court **DIRECTS** the clerk to send a copy of this order along with the memorandum and order granting judgment against him (docket #127) and the clerk's entry of judgment (docket #128) to A. Madry c/o the Indiana Sugar Co. Inc., 911 Virginia Street, Gary, Indiana, 46406. The court affords defendant Madry to and including

August 8, 2005, within which to pay the \$1,000 judgment to the plaintiff by sending a check or money order for \$1,000.00 to the clerk of this court along with a notice that he is paying the judgment to Vincent James in James v. Madry, 3:00cv168 RM. If defendant Madry does not pay the judgment by that date, the plaintiff may renew his motion for garnishment.

SO ORDERED.

ENTERED: July 12, 2005

S/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge